

UNITED STATES OF AMERICA,  
Plaintiff  
  
v  
  
RELIANT ENERGY SERVICES, INC,  
et al,  
  
Defendants.

No CR 04-0125 VRW  
ORDER

The court has received the government's notice of appeal and certification pursuant to 18 USC § 3731 and motion for stay of proceedings pending interlocutory appeal. Upon cursory review, it appears that the filings would divest the court of jurisdiction over aspects of the case that are involved in the appeal, see, e g, United States v Tovar-Rico, 61 F3d 1529, 1532 (11th Cir 1995), and prevent the court from empaneling a jury during the pendency of the appeal, see, e g, United States v Centracchio, 236 F3d 812, 813-14 (7th Cir 2001).

1           Nonetheless, the parties were scheduled for further  
2 pretrial conference on Monday, October 31, 2005, at 10:00 am, with  
3 jury selection to begin on Tuesday, November 1, 2005, at 1:30 pm.  
4 The court's jury office has time-qualified some 80-90 prospective  
5 jurors. These prospective jurors will be available for the five-  
6 week period for which trial in this matter has been scheduled.

7           Due to the difficulty of holding such a large number of  
8 prospective jurors in abeyance for a prolonged period, the parties  
9 are REQUESTED to appear as scheduled on Monday, October 31, 2005,  
10 at 10:00 am, in order to advise the court of (1) the status of the  
11 appellate proceeding and (2) the likelihood that trial can commence  
12 in a time frame that will make the prospective jurors able to serve  
13 or whether the court will have to excuse this panel and start over  
14 qualifying prospective jurors upon remand from the court of  
15 appeals.

16  
17  
18           IT IS SO ORDERED.

19  
20 

21           VAUGHN R WALKER

22           United States District Chief Judge  
23  
24  
25  
26  
27  
28